

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION
October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION
October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

CHAPTER 193

H.P. 357 - L.D. 460

An Act to Amend the Sex Offender
Registration Act

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 34-A MRSA §11002, sub-§1, as enacted by PL 1991, c. 809, §1, is amended to read:

1. Agency. "Agency" means ~~an institution or department that has custody or jurisdiction over a sex offender. Agency includes a county jails, state prisons, jail or the Department of Corrections, the Maine Youth Center and detention facilities.~~

Sec. 2. 34-A MRSA §11003, sub-§§1 and 2, as enacted by PL 1991, c. 809, §1, are amended to read:

1. Duty to register. A sex offender ~~who is sentenced to probation, discharged or discharged under supervision from a state or county correctional facility shall, within 15 calendar days after being sentenced to probation, discharge or discharge under supervision, register that person's current address with the Department of Public Safety, State Bureau of Identification within 15 calendar days after discharge or discharge under supervision from a state correctional facility or county jail or, if no period of institutional confinement is to be served, within 15 calendar days of sentencing.~~

This registration requirement remains in effect for 15 years from the date of:

A. Sentencing if no period of ~~incarceration~~ institutional confinement is to be served; or

B. Discharge or discharge under supervision from any state ~~or county~~ correctional facility or county jail.

2. Notice of duty to register. The agency that has jurisdiction over a sex offender required to register under this chapter ~~or the court shall inform the sex offender, prior to discharge or at the time of sentencing discharge under supervision, inform the sex offender of the duty to register under subsection 1. If no period of institutional confinement is to be served, the court shall inform the sex offender at the time of sentencing of the duty to register under subsection 1.~~

Sec. 3. 34-A MRSA §11003, sub-§4, ¶C, as enacted by PL 1991, c. 809, §1, is repealed.

Sec. 4. 34-A MRSA §11003, sub-§4, ¶C-1 is enacted to read:

C-1. The Superior Court, upon the petition of the sex offender, waives the registration requirement.

A sex offender may not petition for waiver of the registration requirement until at least 5 years after the sex offender is first required to register.

A sex offender may petition once a year for waiver of the registration requirement.

Before waiving the registration requirement, the court must determine that the sex offender has shown a reasonable likelihood that registration is no longer necessary and waiver of the registration requirement is appropriate. The court shall consider the sex offender's progress in treatment and may request an independent forensic evaluation provided through the State Forensic Service. If the court orders an independent forensic evaluation, the court shall reimburse the State Forensic Service for the cost of the evaluation and order the sex offender to reimburse the court for the cost of the evaluation; or

See title page for effective date.

CHAPTER 194

H.P. 211 - L.D. 273

An Act Creating the Groundfish Hatchery
Study Commission

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the health and sustainability of the groundfish fishery is essential for the continued economic viability of the fishing industry in Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 12 MRSA c. 621, sub-c. IV is enacted to read:

SUBCHAPTER IV

GROUNDFISH HATCHERY FUND

§6591. Groundfish Hatchery Fund